

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ALLEN KELLUM,

Plaintiff,

vs.

PNS STORES, INC., an Ohio Corporation;  
and BIG LOTS STORES, INC., an Ohio  
Corporation;

Defendants.

**8:13CV21**

**ORDER**

The matter before the court is the parties' Joint Stipulation and Motion to Dismiss Defendants Big Lots, Inc., and Big Lots Stores, Inc., Without Prejudice (Filing No. 10). The court finds that defendants Big Lots, Inc., and Big Lots Stores, Inc., should be dismissed, without prejudice, pursuant to the agreement of all parties.

IT IS THEREFORE ORDERED

1. That, pursuant to [Fed. R. Civ. P. 41\(a\)](#), the plaintiff's cause of action against the defendants Big Lots, Inc., and Big Lots Stores, Inc., is hereby dismissed, without prejudice, and with costs taxed to the parties incurring the same.

2. Upon dismissal, the caption of this case will be revised to reflect this dismissal and shall read "Allen Kellum, Plaintiff, v. PNS Stores, Inc., Defendant.

Dated this 19<sup>th</sup> day of February, 2013.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge